

**ERIE COUNTY LEGISLATURE
MEETING NO. 14
JULY 10, 2014**

The Legislature was called to order by Chair Mills.

All members present.

An Invocation was held, led by Mr. Lorigo, requested a moment of silence.

The Pledge of Allegiance was led by Ms. Miller-Williams.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. LORIGO moved for the approval of the minutes for Meeting Number 12 from 2014. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. BURKE presented a resolution Congratulating Ellen Fischer and the Cheektowaga Youth & Recreational Services Department as the Legislature's Citizen of the Month for July 2014.

Item 6 – MS. DIXON presented a resolution Honoring Gregory Sterling upon his Retirement from the United States Navy Serving for 24 Years.

Item 7 – MS. MILLER-WILLIAMS presented a Memorial Resolution Honoring Russell A. Guthrie, World War II Veteran and D- Day Survivor.

Item 8 – MR. HARDWICK presented a resolution Congratulating Jedidiah Woomer, Boy Scout Troop 229, on Obtaining the Rank of Eagle Scout.

Item 9 – MR. LORIGO presented a resolution Honoring Staff Sergeant Timothy Payne's Service and Sacrifice.

Item 10 – MR. MILLS presented a resolution Congratulating Annette Gernatt on Being Honored by the Concord Public Library with a Portrait for 30 Years of Outstanding Service as Director.

Item 11 – MS. GRANT presented a Memorial Resolution Honoring Russell A. Guthrie, World War II Veteran and D- Day Survivor.

MR. LORIGO moved for consideration of the above seven items. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above seven items to add four resolutions for MS. MILLER-WILLIAMS, one for MR. SAVAGE, one for MR. HARDWICK and include Et Al Sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved for approval of the above seven items as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 12 – CHAIR MILLS directed that Local Law No. 1 (Print #1) 2013 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 13 – CHAIR MILLS directed that Local Law No. 3 (Print #1) 2014 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 14 – CHAIR MILLS directed that Local Law No. 4 (Print #1) 2014 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 – CHAIR MILLS directed that Local Law No. 5 (Print #1) 2014 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 16 – MR. MORTON presented the following report and moved to separate item number 1 and approve the balance of the report. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 165

July 1, 2014

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 10

ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7M-1 (2013)
NY FARM BUREAU: "Letter to Legislature Concerning Animal Abuse Registry in EC"
(6-0)
 - b. COMM. 13E-18 (2014)
COUNTY EXECUTIVE: "EC Sewer District No. 5 - Engineer Term Agreement - DiDonato Associates - Work Order DA-2"
(6-0)
 - c. COMM. 13E-19 (2014)
COUNTY EXECUTIVE: "EC Sewer District No. 3 - Engineer Term Agreement - Clough Harbour Associates - Work Order CHA-9"
(6-0)
 - d. COMM. 13E-20 (2014)
COUNTY EXECUTIVE: "EC Sewer District No. 8 - Engineer Term Contract Agreement - Wendel - Work Order W-1"
(6-0)

2. COMM. 11E-9 (2014)
COUNTY EXECUTIVE AS AMENDED
WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for the Erie County Sewer District No. 3, Contract Nos. 37 STP-A, 37 STP-B, and 37 STP-D at 10:00 a.m. on June 27, 2014.

<u>Contract</u>	<u>Low Responsible Bidder</u>	<u>Amount</u>
Contract 37STP-A General	Kandey Company, Inc. 19 Ransier Drive West Seneca, N.Y. 14224	\$7,327,777.00
Contract 37STP-B HVAC	Quackenbush Co., Inc. 495 Kennedy Drive Buffalo, N.Y. 14227	\$ 448,000.00
Contract 37STP-D Electrical	South Buffalo Electric, Inc. 1250 Broadway Buffalo, N.Y. 14212	\$1,752,500.00

and

WHEREAS, the aforementioned lowest responsible bidders have successfully performed similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Southtowns Influent Pump Station and ORF Improvements Project, Contract 37 STP-A, 37 STP-B HVAC, and 37 STP-D be awarded as follows:

<u>Contract</u>	<u>Low Responsible Bidder</u>	<u>Amount</u>
Contract 37STP-A General	Kandey Company, Inc. 19 Ransier Drive West Seneca, N.Y. 14224	\$7,327,777.00
Contract 37STP-B HVAC	Quackenbush Co., Inc. 495 Kennedy Drive Buffalo, N.Y. 14227	\$ 448,000.00
Contract 37STP-D Electrical	South Buffalo Electric, Inc. 1250 Broadway Buffalo, N.Y. 14212	\$1,752,500.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contracts with the aforementioned lowest responsible bidders subject to approval as to form by the County Attorney and certification of availability of funds by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$9,528,277.00 from Sewer Capital, Erie County Sewer District No. 3, Account C.00012 for Contract Nos. 37 STP-A, 37 STP-B, and 37 STP-D; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this resolution to the County Executive, the Director of Budget and Management, the County Comptroller, Kristen Walder, Assistant County Attorney and two (2) certified copies to Joseph L. Fiegl, P.E., Department of Environment and Planning, Rath Building, 10th Floor.
(6-0)

3. COMM. 13E-14 (2014)
COUNTY EXECUTIVE

WHEREAS, Erie County and the Town of Newstead entered into an Inter-Municipal Agreement dated August 7, 2013 regarding the purchase of certain parkland within Akron Falls Park by the Town of Newstead; and

WHEREAS, the Town of Newstead has agreed to provide \$200,000, minus the cost of necessary property survey and legal description cost, to Erie County as a condition of Erie County transferring approximately 130 acres of Akron Falls Park to the Town of Newstead; and

WHEREAS, an Agreement of Sale, Quit Claim Deed and other necessary documents require execution by the Erie County Executive and authorized Town officials prior to closing on the land transfer; and

WHEREAS, the purchase and transfer of parkland represents an alienation of parkland necessitating submittal by the County Executive of a Municipal Home Rule Request to the New York State Legislature requesting the enactment of a parkland alienation bill on March 17, 2014 by the Erie County Executive; and

WHEREAS, completion of all necessary State approvals of the land transfer is expected to occur in July 2014; and

WHEREAS, the action of transferring County Parkland to the Town of Newstead represents an action subject to review under the New York State Environmental Quality Review Act (SEQR); and

WHEREAS, Erie County, acting through the Department of Environment and Planning served as lead agency for the purposes of SEQR and issued a Negative Declaration on March 20, 2013 determining that the proposed action will not have an adverse environmental impact.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to accept funding in an amount not to exceed \$194,750 from the Town of Newstead and to adjust the 2014 Erie County Department of Parks, Recreation, and Forestry accordingly; and be it further

RESOLVED, that the County Executive is hereby authorized to execute any and all documents necessary to conclude the transfer of an estimated 130 acres of Akron Falls Park to the Town of Newstead, including an Agreement of Sale and Quit Claim Deed with said lands being described in Erie County Legislative Resolution Comm. 17E-9 (2013) adopted by the Erie County Legislature on October 24, 2013; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor; and the Commissioner of the Department of Parks, Recreation, and Forestry, Rath Building, 13th Floor.
(6-0)

4. COMM. 13E-15 (2014)
COUNTY EXECUTIVE

WHEREAS, the County of Erie on behalf of Erie County Sewer District No. 2 entered into an agreement with Wendel Energy Services on October 8, 2012 to complete the Big Sister Energy Performance Project in Erie County Sewer District No. 2; and

WHEREAS, differing site conditions in the form of the location of concrete encased primary and backup power utilities have been uncovered during preliminary excavation for the Control Room building addition, requiring that the addition be shifted to avoid the power utilities and an additional corridor be constructed to maintain access points to the existing building; and

WHEREAS, without the construction of the Control Room the project cannot be completed; and

WHEREAS, termination, testing, and paneling of four (4) additional fiber optic strands throughout the Big Sister Creek Wastewater Treatment Plant is outside the current Scope of Services but will bring value to the County in the form of redundancy for the SCADA system at the plant and capacity for future expansion; and

WHEREAS, the Project has been awarded the following grants and incentives: \$750,000 from the Clean Water State Revolving Fund (Green Innovation Grant Program (GIGP)) and \$112,000 from National Grid energy efficiency incentives; and

WHEREAS, Erie County Sewer District No. 2 has adequate cash in its capital reserve account C.00008 to fund this Change Order; and

WHEREAS, the Department of Environment and Planning, Division of Sewerage Management recommends the approval of Change Order No. 2 to the County of Erie/Wendel Agreement.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 2 to the County of Erie/Wendel Agreement dated June 17, 2014 be approved in the amount of \$59,924.30; and be it further

RESOLVED, that the Department of Environment and Planning, Division of Sewerage Management is hereby directed to execute and process the necessary Change Order, subject to certification of availability of funds from the project fund balance by the Comptrollers Office; and be it further

RESOLVED, that the County Director of Budget and the County Comptroller be authorized to increase the appropriations and estimated revenues in Erie County Sewer District No. 2 Capital Project C.12201 by \$100,000.00; and be it further

RESOLVED, that the Director of Budget and the County Comptroller be authorized to transfer \$100,000.00 from Erie County Sewer District No. 2 Capital Reserve Account C.00008 to Sewer District No. 2 Capital Project C.12201 and to establish all budgeting accounts necessary to facilitate the transfer of \$100,000.00; and be it further

RESOLVED, that the Erie County Comptroller is directed to allocate \$59,924.30 from Sewer District No. 2 Account C. 12201 for payment of this Change Order and \$40,075.70 to provide a contingency for the remainder of the Contract; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Director of Budget, Management and Finance, the Erie County Comptroller, and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(5-1, Legislator Savage voted in the negative)

5. COMM. 13E-16 (2014)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 12 to CMH Company, Inc.; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the final acceptance of Contract No. 12 in the final contract amount of \$83,950.00, which includes Change Order No. 1 (final), a decrease of \$5,000.00.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 12 between the County of Erie and CMH Company, Inc. 12704 North Road, Alden, New York 14004-9772, is accepted in the amount of \$83,950.00 which includes Change Order No. 1 (final), a decrease of (\$5,000.00); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 12 between the County of Erie and CMH Company, Inc. in the amount of \$83,950.00 and make final payment from Erie County Sewer District No. 8 Account No. C.00071; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this Resolution to the County Executive, the Erie County Comptroller's Office, and Kristen Walder, Assistant County Attorney; and two (2) certified copies to Joseph L. Fiegl, P.E. Department of Environment and Planning, Division of Sewerage Management.
(6-0)

6. COMM. 13E-21 (2014)
COUNTY EXECUTIVE

WHEREAS, Erie County maintains the Times Beach Nature Preserve in conjunction with the City of Buffalo; and

WHEREAS, the Department of Environment and Planning wishes to commemorate the dedication of four citizens that have made extraordinary contributions to the success and perpetuity of the Times Beach Nature Preserve; and

WHEREAS, the trail leading from the overlook to the far blind adjacent to the Coast Guard station will be designated, "Robert Andrie Trail"; and

WHEREAS, the bird blind located at the far end of the trail leading to the dike wall adjacent to Wilkeson Pointe Park will be designated, "George K. Arthur Blind"; and

WHEREAS, the first overlook on the trail to the west, adjacent to the Wilkeson Pointe Park border will be designated, "Michael Hamilton Overlook"; and

WHEREAS, the Fuhrmann Boardwalk center entrance will be designated, "Paul MacClennan Main Entrance".

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to officially name four commemorative areas of the Times Beach Nature Preserve in honor of the aforementioned four individuals who played a critical role in the success and perpetuity of the nature preserve as a natural habitat park and bird sanctuary; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; the Commissioner of the Department of Parks, Recreation and Forestry; the Commissioner of the Department of Environment and Planning; and the Deputy Commissioner of Environmental Compliance Services.

(6-0)

7. COMM. 13E-22 (2014)
COUNTY EXECUTIVE

WHEREAS, Advanced Architecture & Planning and Watts Architecture and Engineering has the necessary expertise and manpower to provide professional design, construction and environmental services for the Elma Meadows Golf Course -2014- Club House Roof Replacement; and

WHEREAS, this Honorable Body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Advanced Architecture & Planning and Watts Architecture and Engineering for providing Professional Design and Environmental Services on Erie County Projects; and

WHEREAS, the County Executive requests authorization to enter into an Agreement Amendment with the firms of Advanced Architecture and Planning and Watts Architecture and Engineering for providing Professional Architectural/Engineering and Environmental Services for the Elma Meadows Golf Course -2014- Club House Roof Replacement project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to amend the Advanced Architecture and Planning Agreement for providing Professional Architectural/Engineering Services for the design of additional roof replacements for the amount not to exceed \$40,000.00, including design contingency; and be it further

RESOLVED, that the County Executive is hereby authorized to amend the Watts Architecture and Engineering Agreement for providing additional Environmental Services for the

testing, surveying and designing for hazardous materials for an amount not to exceed \$10,000.00, including design contingency; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project Account: A.20918- 2009 Countywide Roof Replacement & Waterproofing, for a total amount not to exceed \$50,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

8. COMM. 13E-23 (2014)
COUNTY EXECUTIVE

WHEREAS, the Akron Falls Park Bridge Replacement Project No. BR-PK-2-12 was approved, appropriated, and awarded to the low bidder Accadia Site Contracting Inc., via Comm.12E-14 (2012) of July 12, 2012; and

WHEREAS, it has been determined that unanticipated on-site work scope and quantity changes requires an increase to the contract with Accadia Site Contracting Inc. and an increase to the construction engineering services and construction inspection services with TY Lin International.

NOW, THEREFORE, BE IT

RESOLVED, that the initial estimated project construction authorization of \$750,000.00 be increased by the amount of \$99,069.41 which is available from capital account SAP B.13016, 2013 Capital Overlay (PAYGO); and be it further

RESOLVED, that the County Executive be authorized to execute negotiated change orders in the amount not to exceed the allowable project construction total between the County of Erie and project contractor Accadia Site Contracting, Inc. as well as project engineer TY Lin International for unanticipated on-site work scope and quantity changes; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.
(6-0)

TED B. MORTON
CHAIR

Item 17 – MR. HARDWICK presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 166

July 1, 2014

COMMUNITY ENRICHMENT COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 5D-3 (2014)
COMPTROLLER'S OFFICE: "Audit of the Buffalo and EC Public Library"
(6-0)
 - b. COMM. 5M-2 (2014)
BUFFALO & EC PUBLIC LIBRARY: "Audit of the Buffalo & EC Public Library"
(6-0)
2. COMM. 13E-4 (2014)
COUNTY EXECUTIVE

WHEREAS, the County of Erie (the "County") proposes a new academic building located on the Erie Community College ("ECC") North Campus in the Town of Amherst, New York; and

WHEREAS, the building would house laboratories, instructional space, faculty offices, and other ancillary space to support ECC's Science, Technology, Engineering, and Math ("STEM") programs; and

WHEREAS, the proposed action has been classified as a "Type I" action under the State Environmental Quality Review Act ("SEQRA") because it involves construction of a building in excess of 100,000 gross floor square feet, and a coordinated review was conducted; and

WHEREAS, the Erie County Legislature is an involved agency pursuant to SEQRA due to its funding role and undertaking of the construction of the proposed academic building; and

WHEREAS, a Full Environmental Assessment Form ("EAF") was prepared by Erie County, acting through the Department of Environment and Planning, to facilitate a review of the potential environmental impacts of the Project; and

WHEREAS, a notice of its intent to act as SEQRA lead agency for environmental review of the Project was subsequently circulated to all involved and interested agencies with a copy of the EAF, and the period for involved agencies to object to the County's intention to assume the role of SEQRA lead agency expired without such objection; and

WHEREAS, on April 3, 2014 the Erie County Legislature adopted a resolution identified as Communication 4E-2 (2014) requiring that any determination of environmental significance and findings statement as so defined in SEQRA prepared for the project titled ECC – Academic Building

shall require approval by the Erie County Legislature prior to their execution by the Erie County Executive or his designee; and

WHEREAS, Erie County has duly considered the project, the Full Environmental Assessment Form, and the criteria for determining whether the Project will have a significant adverse impact on the environment as set forth in 6 N.Y.C.R.R. § 617.7(c) of the SEQRA regulations, and such other information deemed appropriate; and

WHEREAS, Erie County has identified the relevant areas of environmental concern, taken a hard look at these areas, and made a reasoned elaboration of the basis for its determination.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby states that the ECC – STEM Building, to be constructed at the preferred site on the ECC North Campus, will have no significant adverse impact on the environment and approves the execution of the Negative Declaration by the Erie County Executive, or his designee; and be it further

RESOLVED, that certified copies of this resolution and Negative Declaration attached hereto be sent to the County Executive's Office; the County Attorney; the Commissioner of the Erie County Department of Public Works; the Commissioner of the Erie County Department of Environment and Planning, Edward A. Rath County Office Building, 10th Floor; and the President of Erie Community College.

(5-1, Legislator Burke voted in the negative)

KEVIN R. HARDWICK
CHAIR

Item 18 – MR. HARDWICK presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 167

July 1, 2014

GOVERNMENT AFFAIRS COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 13D-2 (2014)
COUNTY ATTORNEY: "Letter Regarding Technicalities of Recessed Session"
(6-0)

b. COMM. 13D-3 (2014)
COUNTY ATTORNEY: "LL No. 2-2014 NYS Department of State Filing"
(6-0)

c. COMM. 13D-4 (2014)
COUNTY ATTORNEY: "LL No. 3-2014 NYS Department of State Filing"
(6-0)

2. COMM. 13E-25 (2014)
COUNTY EXECUTIVE
WHEREAS, the New York State Judiciary Law requires the County in which an Associate Judge of the Court of Appeals is resident to provide local chambers for that Judge; and

WHEREAS, in 2009 the Erie County Legislature passed a Resolution allowing for the County Executive to enter into a lease agreement with Main Court, LLC for the purpose of providing the Honorable Eugene F. Pigott, Jr., Associate Judge of the Court of Appeals, with local chambers (COMM. 11E-10); and

WHEREAS, the original lease agreement was executed in 2009 with a five year term; and

WHEREAS, said lease agreement is set to expire on August 1, 2014; and

WHEREAS, Judge Pigott has requested that the County of Erie extend the lease agreement with Main Court, LLC until the conclusion of his term with the Court of Appeals, which ends on December 31, 2016; and

WHEREAS, there are no additional County funds required to renew this lease, as funding for this leased space is budgeted and is available in the 2009 Adopted Budget, with all expenditures being 100% reimbursed by New York State.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into a lease extension with Main Court, LLC for the purpose of providing the Honorable Eugene F. Pigott, Jr., Associate Judge of the Court of Appeals, with local chambers for the remainder of his term; and be it further

RESOLVED, that the County Executive and/or Deputy County Executive is hereby authorized to execute any and all appropriate documents as may be necessary for the lease extension; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive; the Director of the Division of Budget and Management; and the Department of Law.
(6-0)

3. COMM. 13E-26 (2014)
COUNTY EXECUTIVE

WHEREAS, the NYS Unified Court System has requested a lobby expansion and new magnetometer to improve screening and queuing space at the Family Court Building; and

WHEREAS, the NYS Unified Court system has agreed to reimburse the County of Erie 100% of the cost for an amount not to exceed \$300,000 for the Architectural/Engineering services and construction costs.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into Architectural/Engineering and Construction Contracts in an amount not to exceed \$300,000; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project account as follows:

A.20904 – Space Consolidation & Relocation Countywide \$300,000

and be it further

RESOLVED, that the County Executive is authorized to accept State funding from the Unified Court System for the cost of the project; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the NYS Unified Court System, c/o Andrew Eisenberg, the Division of Budget and Management and the Office of the Comptroller.

(6-0)

KEVIN R. HARDWICK
CHAIR

Item 19 – MR. LORIGO presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 168

July 1, 2014

FINANCE & MANAGEMENT COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 13E-24 (2014)
COUNTY EXECUTIVE

WHEREAS, the several non-city school districts lying within the County of Erie have adopted their school budgets for the current school year, determined the amount thereof to be raised

by real property tax and fixed their school tax rates, said budgets, amounts and rates having been certified to and filed with the Real Property Tax Services Department of Erie County; and

WHEREAS, the Director for said Real Property Tax Services Department will spread and extend said school tax amounts, at the school tax rates certified to him, against the taxable real property appearing on the respective school assessment rolls.

NOW, THEREFORE, BE IT

RESOLVED, that there is hereby levied and assessed upon the taxable real property appearing on the school assessment rolls for the respective school districts the amounts to be raised by school taxes, as spread and extended by the Director of the Real Property Tax Services Department, which amounts shall be collected from the persons and corporations liable therefore in accordance with and pursuant to the provisions of the statutes in such cases made and provided; and be it further

RESOLVED, that the Chairman and the Clerk of the Legislature are hereby directed to execute in the name and under the seal of the County of Erie, and to annex to the respective school district tax rolls as they are compiled by the Director of the Real Property Tax Services Department, a good and sufficient warrant, addressed to the proper tax collecting officials, commanding them to collect such school district taxes in accordance with applicable law; and be it further

RESOLVED, that the Director of the Real Property Tax Services Department is hereby directed to deliver such school district tax rolls and warrants to such tax collecting officials to be acted upon in accordance with applicable law; and be it further

RESOLVED, that each and every act of the Director for the Real Property Tax Services Department in connection with the foregoing is hereby ratified and confirmed; and be it further

RESOLVED, The Clerk of the Legislature is hereby directed to cause such non-city school district budgets, tax rates and resolutions to be printed in the journal of the proceedings of the Legislature; and be it further

RESOLVED that certified copies of this resolution be forwarded to the County Executive, County Attorney, County Comptroller, Director of Budget and Management, and Director of Real Property Tax Services.

(6-0)

JOSEPH C. LORIGO
CHAIR

Item 20 – MR. RATH presented the following report and moved to separate item number 4 and approve the balance of the report. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 169

July 1, 2014

PUBLIC SAFETY COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 13M-2 (2014)
GLORIA MCLAUGHLIN: "Follow-Up Letter Regarding Incarceration Rates in Erie County"
(4-2, Legislators Grant and Savage voted in the negative)
2. COMM. 13E-29 (2014)
COUNTY EXECUTIVE
WHEREAS, the Department of Public Works will be receiving bids for the Erie County Holding Center-2014-Various Renovations–Phase 1 project during Legislative recess period; and

WHEREAS, the last Legislative meeting before summer recess will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization to award a contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to award a contract to the lowest responsible bidder so the work can proceed during the summer months for a total contract, including construction contingency, not to exceed \$75,000.00; and be it further

RESOLVED, that the Department of Public Works will report to the Legislature the value of the contract awarded and to whom; and be it further;

RESOLVED, that the Comptroller's office be authorized to make payments from SAP Project 2013 – A.13022- ECHC Various Improvements to Holding Center for an amount not to exceed \$75,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

EDWARD A. RATH, III
CHAIR

Item 21 – MR. RATH presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 170

July 1, 2014

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 13E-5 (2014)
COUNTY EXECUTIVE

WHEREAS, the East Robinson and North French Roads Reconstruction Project in the Town of Amherst, Erie County, PIN 5755.43 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program; and

WHEREAS, the County of Erie advanced the project's construction phase via Comm. Nos. 8E-11 (2013) and 8E-12 (2013) both adopted on May 9, 2013; and

WHEREAS, the County of Erie desires to accept Marchiselli funds for the construction phase of the project, PIN 5755.43 through a Supplemental Marchiselli Agreement with NYSDOT that increases the Project Agreement by \$294,275 and related project budget in Fund 420, B.12001, 2012 East Robinson and North French Roads Reconstruction; and

WHEREAS, the East Robinson and North French Roads Reconstruction Project PIN 5755.43 has been advertised, bid, and awarded to the responsible low bidder Accadia Site Contracting, Inc.; and

WHEREAS, the SAP project is currently estimated at \$14,165,575; and

WHEREAS, it is necessary that this approval be granted, so that the project budget can be increased for change orders for Accadia Site Contracting, Inc. and Project Engineer Greenman – Pedersen, Inc. for work related to poor soil conditions and utility conflicts.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie hereby approves the above subject project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal share of the cost of the preliminary engineering (Scoping and Design I-VI), and construction phase of the project or portions thereof; and be it further

RESOLVED, that the Project Fund B.12001 - 2012 East Robinson North French Roads Reconstruction, Fund Center 123, Fund 420, be increased by the anticipated State revenue in the amount of \$294,275 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
405160	NYS Marchiselli	\$1,399,000	\$294,275	\$1,693,275
414000	Federal Aid			
		10,072,300	0	10,072,300
475000	Gen Oblig Bond Proc	<u>2,400,000</u>	<u>0</u>	<u>2,400,000</u>
		<u>\$13,871,30</u>		
TOTAL REVENUES		<u>0</u>	<u>\$294,275</u>	<u>\$14,165,575</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$13,871,30</u>		
		<u>0</u>	<u>\$294,275</u>	<u>\$14,165,575</u>
TOTAL APPROPRIATIONS		<u>\$13,871,30</u>	<u>\$294,275</u>	<u>\$14,165,575</u>
		<u>0</u>		

; and be it further

RESOLVED, the estimated total sum of the construction phase of the project, \$14,165,575 is hereby appropriated from B.12001 – 2012 East Robinson North French Roads Reconstruction and made available to cover the cost of participation in the construction phase of the project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the project's construction phase exceeds the amount appropriated, \$14,165,575 and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Construction Phase exceeds \$14,165,575, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie; and be it further

RESOLVED, should additional Federal Aid become available for this project, Erie County Legislative approval would be requested to enter into a new supplemental agreement with New York State Department of Transportation and the project budget adjusted accordingly; and be it further

RESOLVED, that the County Executive be authorized and is hereby directed to approve change orders for the East Robinson and North French Roads Project PIN 5755.43 for the responsible low bidder Accadia Site Contracting, Inc. and Project Engineer Greenman – Pedersen, Inc.; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

2. COMM. 13E-6 (2014)
COUNTY EXECUTIVE

WHEREAS, the Savage Road Bridge over Dry Creek Reconstruction Project in the Town of Sardinia, Erie County, PIN 5757.30 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Construction & Construction Inspection phase of the Project, PIN 5757.30; and

WHEREAS, the County of Erie advanced the Project's Construction Phase via Comm. 8E-9 (2013) and Comm. 8E-10 (2013) both adopted on May 9, 2013; and

WHEREAS, the County of Erie desires to accept Federal and Marchiselli funds for the Construction phase of the Project, PIN 5757.30 through a Supplemental Agreement with NYSDOT that increases the Project Agreement by \$254,250 and related project budget in Fund 420, B.12003, 2012 Savage Road Bridge over Dry Creek Reconstruction; and

WHEREAS, the Savage Road Bridge over Dry Creek Reconstruction Project PIN 5757.30 has been advertised, bid, awarded to the responsible low bidder D&H Excavating, Inc., and work is now complete; and

WHEREAS, the project is currently estimated at \$1,202,250; and

WHEREAS, it is necessary that this approval be granted, so that the project budget can be increased for Change Orders for D&H Excavating, Inc. and Project Engineer, Wendel for work related to poor soil conditions, utility conflicts, and extra time needed for the contractor to finish work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie hereby approves the Savage Road Bridge over Dry Creek Reconstruction project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Construction and Construction Inspection phase of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.12003 - 2012 Savage Road Bridge over Dry Creek Reconstruction, fund center 123, fund 420, be increased by the anticipated Federal and State revenue in the amount of \$254,250 as follows:

		CURREN T BUDGET	INCREASE/ DECREASE	REVISED BUDGET
REVENUES				
Account	Description			
405160	NYS Marchiselli	\$0	\$158,250	\$158,250
414000	Federal Aid	748,000	96,000	844,000
475000	Gen Oblig Bond Proc	<u>200,000</u>	<u>0</u>	<u>200,000</u>
TOTAL REVENUES		<u>\$948,000</u>	<u>\$254,250</u>	<u>\$1,202,250</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$948,000</u>	<u>\$254,250</u>	<u>\$1,202,250</u>
TOTAL APPROPRIATIONS		<u>\$948,000</u>	<u>\$254,250</u>	<u>\$1,202,250</u>

; and be it further

RESOLVED, the estimated total sum of the Construction and Construction Inspection phase of the Project, \$1,202,250 is hereby appropriated from B.12003 – 2012 Savage Road Bridge over Dry Creek Reconstruction and made available to cover the cost of participation in the Construction and Construction Inspection phase of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the full Federal and non-Federal shares of the cost of the Project's Construction and Construction Inspection phase exceeds the amount appropriated, \$1,202,250, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal Aid and State Aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project; and be it further

RESOLVED, that the County Executive be authorized and is hereby directed to approve change orders for the Savage Road Bridge over Dry Creek Project PIN 5757.30 for the responsible low bidder D&H Excavating, Inc. and Project Engineer, Wendel; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

3. COMM. 13E-7 (2014)
COUNTY EXECUTIVE

WHEREAS, the County desires to continue the construction of a system of interconnected bicycle and pedestrian multi-use trails along Lake Erie to provide linkages between existing bicycle and pedestrian trails, residential neighborhoods, parks and recreation areas including Lake Erie, retail centers and employment centers; and

WHEREAS, the County desires to continue the construction of the Shoreline Trail – Bethlehem Steel Section from the Buffalo – Lackawanna border to Smokes Creek and the Lackawanna First Ward neighborhoods; and

WHEREAS, the County desires to provide this type of facility to residents at the lowest possible cost to the County and County taxpayers; and

WHEREAS, the County desires to apply for financial assistance from the New York State Department of Transportation's Transportation Alternatives Program (TAP); and

WHEREAS, the County commits to making a decision through its 2015 Capital Budget process on providing the required local matching funds to insure the timely implementation of the proposed project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature authorizes the Department of Environment and Planning to prepare and submit an application for TAP funding in the amount of \$980,160; and be it further

RESOLVED, that prior to contract execution the County shall make available \$250,000 in matching funds to satisfy the requirements of the funding program; and be it further

RESOLVED, that the source of said match, if approved by the Erie County Legislature, shall be funds available within the 2015 Capital Budget for the Brownfield Redevelopment project; and be it further

RESOLVED, that the County Legislature authorizes the County Executive to sign all documents and agreements related to the Transportation Enhancement Program; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.

(6-0)

4. COMM. 13E-8 (2014)
COUNTY EXECUTIVE

WHEREAS, in 2013 the County entered into a Lease Agreement with the Buffalo Bills and the Erie County Stadium Corporation, a wholly-owned subsidiary of the New York State Urban Development Corporation dba Empire State Development under which each party is required to make annual capital improvement payments for physical upgrades at Ralph Wilson Stadium known as the Capital Improvement Allowance (“CIA”); and

WHEREAS, the County has already made its first year CIA payment, and the second year CIA payment totaling no more than \$1,750,000 must be paid into a special account by August 5, 2014 as per the 2013 Lease Agreement; and

WHEREAS, while the Division of Budget and Management has calculated the second year CIA payment number, the final number is subject to slight modification based on the Consumer Price Index in effect on July 31, 2014, which is after this Honorable Body recesses for the summer; and

WHEREAS, due to the provisions of the Affordable Care Act and the adopted New York State budget, both of which provide the County with Medicaid relief in 2014, the County has available a positive variance in the Medicaid-MMIS account to facilitate the CIA payment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the second year Capital Improvement Allowance payment for Ralph Wilson Stadium totaling an amount not to exceed \$1,750,000, and authorizes the County Executive to establish a capital project in the Department of Public Works in Business Area, 122, Fund 410 for the second year Capital Improvements Allowance Projects, including the County, State and Buffalo Bills required shares in an amount not to exceed \$4,800,000 consisting of no more than \$1,750,000 – County, \$2,200,000- State, and \$850,000 Buffalo Bills shares; and be it further

RESOLVED, that the following budgetary adjustments are hereby authorized:

Fund 110- 2014 Budget	
Department of Social Services	Decrease
Acct. 525000 - Medicaid Local Share	\$1,750,000
Countywide Interfund Accounts	Increase
Acct. 570050 Interfund Transfers	
Capital	\$1,750,000

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the final budget for the second year Capital Improvement Allowance based on the contractual formula to be finalized in August 2014; and be it further

RESOLVED, that certified copies of this resolution shall be sent to the Department of Public Works, Division of Budget and Management, Department of Law, Office of the County Executive, and Office of the Comptroller.
(6-0)

5. COMM. 13E-9 (2014)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works will be receiving bids for the Erie County Highway Facilities-2014- Clarence Roof Replacement project during Legislative recess period; and

WHEREAS, the last Legislative meeting before summer recess will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization to award a contract to the lowest responsible bidder; and

WHEREAS, this Honorable Body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Advanced Architecture & Planning and Watts Architecture and Engineering for providing Professional Design and Environmental Services on Erie County Projects; and

WHEREAS, the County Executive requests authorization to enter into an Agreement Amendment with the firms of Advanced Architecture and Planning and Watts Architecture and Engineering for providing additional Professional Architectural/Engineering and Environmental Services for the design of additional roof replacements at other highway facilities.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to award a contract to the lowest responsible bidder so the work can proceed during the summer months for a total contract, including construction contingency, not to exceed \$600,000.00; and be it further

RESOLVED, that the Department of Public Works will report to the Legislature the value of the contract awarded and to whom; and be it further;

RESOLVED, that the County Executive is hereby authorized to amend the Advanced Architecture and Planning Agreement for providing additional Professional Architectural/Engineering Services for the design of additional roof replacements at highway facilities for the amount not to exceed \$60,000.00, including design contingency; and be it further

RESOLVED, that the County Executive is hereby authorized to amend the Watts Architecture and Engineering Agreement for providing additional environmental services for the testing, surveying and designing for hazardous materials on projects for an amount not to exceed \$15,000.00, including design contingency; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project Account: A.20918- 2009 Countywide Roof Replacement & Waterproofing; for a total amount not to exceed \$675,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

6. COMM. 13E-10 (2014)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works will be receiving bids after the last legislative meeting before summer recess for the Buffalo & Erie County Botanical Gardens – 2014 Administration Building Pump Loop and South Park Avenue Force Main Tie-In project; and

WHEREAS, the last Legislative meeting before summer recess will not allow for the normal award process of a construction contract after bids are received; and

WHEREAS, the County Executive is seeking prior authorization to award a contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to award a contract to the lowest responsible bidder, during the Legislative summer recess, so the work can proceed during the summer months for a total contract, including construction contingency, not to exceed \$175,000.00; and be it further

RESOLVED, that the Department of Public Works will report to the Legislature the value of the contract awarded and to whom; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from SAP project accounts as follows:

A.00319 – 2008 Botanical Gardens Master Plan Reconstruction	\$ 15,558.73
A.20902 – 2009 Botanical Gardens Master Plan Implementation and Rehabilitation	\$ 5,983.26
A.21003 – 2010 Botanical Gardens Master Plan Implementation and Rehabilitation	\$ 64,549.97
<u>A.13004 – 2013 Countywide Code and Environmental Compliance</u>	<u>\$ 88,908.04</u>
Total Payments Not To Exceed:	\$175,000.00

; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, Chief Financial Officer and the Office of the Comptroller.

(6-0)

7. COMM. 13E-11 (2014)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works will be receiving bids for the Clarence & Hamburg Highway Maintenance Facilities-2014-New Salt Storage Buildings during Legislative recess period; and

WHEREAS, the last Legislative meeting before summer recess will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization to award a contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to award a contract to the lowest responsible bidder so the work can proceed during the summer months for a total contract, including construction contingency, not to exceed \$500,000.00; and be it further

RESOLVED, that the Department of Public Works will report to the Legislature the value of the contract awarded and to whom; and be it further;

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project Account: A.14003- 2014 Countywide Code and Environmental Compliance; for a total amount not to exceed \$500,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

8. COMM. 13E-12 (2014)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works received bids for the Old County Hall – 2014 – 4th Floor Wall and Ceiling Restoration project on May 30, 2014; and

WHEREAS, the lowest responsible bidder is E.B. Galaxy Construction, Inc.; and

WHEREAS, the Erie County Department of Public Works, along with its Consultant, is recommending award of the contract to the lowest responsible bidder; and

WHEREAS, unforeseen conditions require a Construction Contingency fund increase to the Old County Hall – Exterior Waterproofing and Improvements project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Old County Hall – 2014 – 4th Floor Wall and Ceiling Restoration project as follows:

General Construction Work

E. B Galaxy Construction, Inc.	Base Bid:	\$163,000.00
	Add Alt #1	\$37,000.00
	Add Alt #2	<u>\$4,500.00</u>
Total General Construction Contract		\$204,500.00

; and be further

RESOLVED, that the sum of \$30,000.00 be allocated to a Construction Contingency Fund for the Old County Hall – 2014 – 4th Floor Wall and Ceiling Restoration project with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that the County Executive is authorized to increase the current Construction Contingency fund for the Old County Hall – Exterior Waterproofing and Improvements project by \$130,000.00 from \$490,000.00 to \$620,000.00 with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Projects:

A.00018 2000 Courthouse Renovation	\$38,408.96
A.00313 2007 Waterproofing and Rehab Old County Hall	\$115,000.00
A.11005 2011 Countywide Bldg and Facility Improvements	\$144,401.04
A.12003 2012 Countywide Code and Environment Compliance	<u>\$66,690.00</u>
Total:	\$364,500.00

; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

EDWARD A. RATH, III
CHAIR

LEGISLATOR RESOLUTIONS

Item 22 – CHAIR MILLS directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 14-1 from BURKE. Exploring the Establishment of an Erie County Fiber Optic Broadband System.

Item 23 – CHAIR MILLS directed that the following resolution be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 14-2 from MILLER-WILLIAMS. Supporting the Buffalo Common Council and Virginia Street Property Owners.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 24 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

CHAIR MILLS directed that the resolution be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

COMM. 14E-24 from the COUNTY EXECUTIVE. Youth Detention Center Medical Staffing.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE SHERIFF

Item 25 – (COMM. 14E-1) Authorization to Charge for Traffic Safety Services

Item 26 – (COMM. 14E-2) OPEN ITEM - Jail Management Division Security Staffing

The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 27 – (COMM. 14E-3) EC Department of Personnel - Personnel Adjustments

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 28 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

(10-0-1; MR. SAVAGE abstained). CARRIED.

RESOLUTION NO. 171

RE: Fourth Amendment to Lock-up
Agreement by and Between the City of
Buffalo and the County of Erie
(COMM. 14E-4)

WHEREAS, pursuant to Agreement dated July 1, 2003, ("Lock-up Agreement") the County and the City of Buffalo set forth the terms by which the County would provide services related to detaining all of the City's pre-arraigned arrestees, both male and female at the Erie County Holding Center; and

WHEREAS, on May 11, 2011, the County served notice upon the City that the County will not renew the Agreement; and

WHEREAS, on August 24, 2012, the County served upon the City a written notice of default pursuant to the terms of the Lock-up Agreement; and

WHEREAS, on October 1, 2012, the County served upon the City a written notice of termination of the Lock-up Agreement effective November 1, 2012; and

WHEREAS, on April 3, 2013, the City and the County, for the benefit of the citizens of the City and County, desired to resolve any differences and entered into a First Amendment to the Lock-up Agreement; and

WHEREAS, on October 22, 2013, the City and the County entered into a Second Amendment to Lock-up Agreement whereby they agreed to extend the term of the Lock-up Agreement through December 31, 2013; and

WHEREAS, on or about December of 2013 the City and the County entered into a Third Amendment to Lock-up Agreement whereby they agreed to extend the term of the Lock-up Agreement through July 15, 2014; and

WHEREAS, the City and the County hereby seek to extend the term of the Lock-up Agreement through March 1, 2015 to accommodate the transition of detention services for pre-arraigned female arrestees/detainees back to the Buffalo Police Department.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves of the Fourth Amendment to the Lock-up Agreement between the City of Buffalo and County of Erie and authorizes the County Executive to enter into and execute the Fourth Amendment and accept revenue from the City of Buffalo; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Sheriff's Department, the Division of Budget and Management, and the Department of Law.

FROM LEGISLATOR GRANT

Item 29 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 172

RE: Appointment Recommendation for the
EC Bridge and Road Infrastructure
Maintenance Advisory Board
(COMM. 14E-5)

RESOLVED, the Erie County Legislature hereby appoints Patrick B. Burke (788 Tifft St., Buffalo, NY 14220) to the Erie County Bridge and Road Infrastructure Maintenance Advisory Board.

FROM THE COUNTY EXECUTIVE

Item 30 – (COMM. 14E-6) Appointment to the Erie Arts and Cultural Advisory Board

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 31 – (COMM. 14E-7) BENLIC Preemptive Bid Powers and Subsequent Repayment Agreement

Item 32 – (COMM. 14E-8) BENLIC Preemptive Bid Powers and Subsequent Repayment Agreement for City of Lackawanna Foreclosure Sale

Item 33 – (COMM. 14E-9) Acceptance of Federal and Marchiselli Funds for Supplemental Agreement with NYSDOT - Abbott Road Bridge Over Newman Creek Reconstruction - Town of Orchard Park

Item 34 – (COMM. 14E-10) 2014 Bridge Enhancement Programs Supplemental Agreements with NYSDOT - Construction Award, Construction Engineering & Establish Contingency - Various Towns

Item 35 – (COMM. 14E-11) Restructuring Foreign Trade Zone No. 23 to the Alternative Site Framework

The above five items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 36 – (COMM. 14E-12) EC Sewer District No. 6 - Well Street Pump Station Roof Replacement Contract No. 52

Item 37 – (COMM. 14E-13) EC Sewer District No. 5 - Contract No. 19 - Clarence Research Park STP Improvements Award of Contract

Item 38 – (COMM. 14E-14) Dedication of Land as County Parkland - Town of Concord

Item 39 – (COMM. 14E-15) Sprague Brook Park Dams Nos. 1 & 2 - EC Forestry Dam Rehabilitation Project - Towns of Concord and Sardinia - Construction Award, Construction Engineering Services Contract

The above four items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COMPTROLLER

Item 40 – (COMM. 14E-16) Report for Apportionment and Distribution of Net Collections from the 4.75% Sales and Compensating Use Tax for Mar, Apr, May 2014

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 41 – (COMM. 14E-17) Appointment of Citizens Salary Review Commission Members

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 42 – (COMM. 14E-18) Appointments to the EC Mental Hygiene Community Services Board

Item 43 – (COMM. 14E-19) Authorization to Enter Into Contract with Brain and Spine Medical Services, PLLC, DBA DIA Invision Health

Item 44 – (COMM. 14E-20) Authorization to Open and Operate a New Congregate Dining Site

Item 45 – (COMM. 14E-21) Department of Social Services Employee Education and Training

Item 46 – (COMM. 14E-22) Acceptance of Honorarium for Department of Health

The above five items were received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 47 – (COMM. 14E-23) Transfer of Homeland Security Equipment to the City of Buffalo - Mobile Data Terminals

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DIRECTOR, DEPARTMENT OF BUDGET AND MANAGEMENT

Item 48 – (COMM. 14D-1) Budget Monitoring Report for Period Ending May 2014

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 49 – (COMM. 14D-2) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NFTA

Item 50 – (COMM. 14M-1) NFTA Board Minutes

Item 51 – (COMM. 14M-2) Notice of Audited Financial Statement Available on Website

The above two items were received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM NYS DEPARTMENT OF TAXATION AND FINANCE

Item 52 – (COMM. 14M-3) 2014 State Equalization Rates - City of Buffalo, Town of Eden

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM GLORIA McLAUGHLIN

Item 53 – (COMM. 14M-4) Letter Concerning the Removal of Conviction Question for Employment Applications

Received and referred to the PUBLIC SAFETY COMMITTEE.

ANNOUNCEMENTS

Item 54 – CHAIR MILLS announced that the committee schedules and agendas and the mid-year budget hearing schedule have been distributed.

MEMORIAL RESOLUTIONS

Item 55 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Helen Starr and Gregory Caruana.

Item 56 – Legislator Morton requested that when the Legislature adjourns, it do so in memory of Marion Walczak and J.D. Crane.

Item 57 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Arlene Bauer.

Item 58 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Russell Guthrie.

Item 59 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Vincent Graber, Sr..

ADJOURNMENT

Item 60 - At this time, there being no further business to transact, CHAIR MILLS announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, July 24, 2014 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, July 24, 2014 at 2:00 p.m. Eastern Standard Time.

SCOTT W. KROLL
CLERK OF THE LEGISLATURE